

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
BRENDA PHILPOT) CASE NO. 05-11679
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on August 22, 2005.

The notice of motion and opportunity to object which debtor (hereinafter “Movant”) served in connection with its Motion to Avoid Judicial Lien does not comply with the requirements of N.D.

Ind. L.B.R. B-2002-2 because:

- a. The notice does not adequately “state the relief sought” by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3). The notice does not identify the property on which the lien is sought to be avoided.
- b. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4).
- c. The address of the clerk’s office to which objections should be mailed is different from the one in which the case is pending. N.D. Ind. L.B.R. B-2002-2(c)(5).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court